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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,627	01/23/2001	Andrew J. Pennella	6579-0014	3483

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Richard R. Michaud
The Michaud-Duffy Group, LLP
Suite 206
306 Industrial Park Road
Middletown, CT 06457

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/767,627	Applicant(s) PENNELLA ET AL.	
	Examiner Omar Flores-Sánchez	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment received on 06/19/06.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9-12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Althaus (5,359,774) in view of H. F. Shannon (2,560,004).

Althaus'774 discloses the invention substantially as claimed including:

- a. Claim 1; a body 1 including a leading edge and a trailing edge, a series of guard ribs (28 and 29) integrally formed with the body, cutting blades 5 having cutting edges 9.
- b. Claims 2 and 3; the guard ribs are evenly spaced from one another (see Fig. 1).
- c. Claim 6; a guard bar 10 and a body made of plastic (see Abstract).
- d. Claim 7; a series of depressions 30.
- e. Claim 9; a cap 4.
- f. Claim 10; a lubricating strip 22.
- a. Claim 11; the cutting blades are substantially parallel to one another and leading and trailing edges (see Fig. 1).

- g. Claim 12; the guard ribs are substantially perpendicular to the cutting blade (see Fig. 5).
- h. Claim 14; the guard ribs have uniform dimensions.
- i. Claim 15; the guard ribs comprise a center guard rib and at least one pair of guard ribs on opposing sides (see Fig. 1).

Althaus'774 does not show the guard ribs extending from the body adjacent the leading edge to the body adjacent the trailing edge such the guard ribs are continuous with the body. However, regarding claim 1 and 4, Shannon teaches the use of the guard ribs 31 extending from the body adjacent the leading edge to the body adjacent the trailing edge such the guard ribs are continuous with the body for the purpose of providing better cutting action. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the guard ribs of Althaus'774 by providing guard ribs extending from the body adjacent the leading edge to the body adjacent the trailing edge such the guard ribs are continuous with the body as taught by Shannon in order to obtain a device that provides better cutting action.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Althaus (5,359,774) in view of H. F. Shannon (2,560,004) as applied to claims 1, 6 and 7 above, and further in view of King et al. (6167625 B1).

The modified device of Althaus'774 discloses the invention substantially as claimed except for a series of depressions and projections. However, King et al. teach the use of a series of depressions and projections (see Fig.1) for the purpose of gradually increasing the tension on the skin. It would have been obvious to one having ordinary skill in the art at the time the

invention was made to have modified the guard bar of Althaus'774 by providing the series of depressions and projections as taught by King et al. in order to obtain a guard bar that gradually increase the tension on the skin.

Response to Arguments

5. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that Althaus does not show the guard ribs are not integrally formed with the body. However, Althaus teaches the guard ribs 29 integrally formed with the body as a unit. Also, applicant argues that Althaus does not show the guard ribs extending from the leading edge to the trailing edge. However, Shannon teaches the use of the guard ribs 31 extending from the leading edge to the trailing edge of the body.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ofs
9/5/06



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER